

**Notice of Allowability**

Application No.

10/537,556

Examiner

Chukwuma O. Nwaonicha

Applicant(s)

GALLOTTI ET AL.

Art Unit

1621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 20 September.
2. ☒ The allowed claim(s) is/are 1-6 and 8-15 (now renumbered 1-14, respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### **Current Status**

1. This action is responsive to Applicants' amendment of 20 September 2007.
2. Receipt and entry of Applicants' amendment is acknowledged.
3. Claims 1-6 and 8-15 are under active consideration in the instant application.
4. The rejection of claims 1-6 and 8-15 is withdrawn because the prior art references cited did not teach all the limitations of the claimed invention.

**This application is a 371 of PCT/E.P03)13279 11/26/2003.**

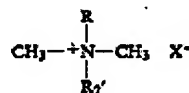
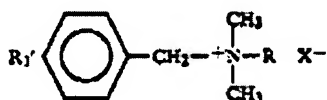
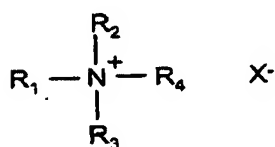
### **Allowed Claims**

Claims 1-6 and 8-15 are allowable over the prior art of record.

### **Allowable Subject Matter**

The following is an examiner's statement of reasons for allowable subject matter: A search of the prior art failed to uncover any reference that anticipates or renders obvious a quaternary ammonium composition (formula 1) consisting essentially of a) a cationic compound, b) less than 20% by weight of water based on said composition and c) a non-ionic solvent selected from the group consisting of an alcohol or an ethoxylated alcohol and mixtures as claimed by applicants.

The closest prior art is Smith et al., {US 5,414,124}. Smith et al. teach a quaternary ammonium compound solution (formula 2 and 3) comprising from about 50% to about 80% of a quaternary ammonium compound and from about 5.0% to about 50% alkylene glycol with the remainder being water. See column 3.



formula 1

formula 2

formula 3

Smith et al. quaternary ammonium compound solution differs from the instantly claimed quaternary ammonium composition in that Smith et al. teach a quaternary ammonium compound solution wherein R, R<sub>1</sub>' and R<sub>2</sub>' in formulas 2 and 3 are R and R<sub>2</sub>' = C<sub>8</sub>-C<sub>24</sub> alkyl, R<sub>1</sub>' = CH<sub>3</sub>, C<sub>2</sub>H<sub>5</sub> or H while applicant claims a quaternary ammonium composition wherein R<sub>4</sub> is a group of the formula 1 is -A-(OA)<sub>n</sub>-OH. A is -C<sub>2</sub>H<sub>4</sub>- and/or -C<sub>3</sub>H<sub>6</sub>- and n is 0 to 20. The two compositions are different because they contain different essential elements. This difference is not readily apparent and would not have been suggested to one of ordinary skill.

**All claims (1-6 and 8-15) are allowed.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

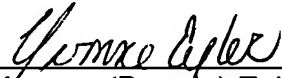
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chukwuma O. Nwaonicha whose telephone number is 571-272-2908. The examiner can normally be reached on Monday thru Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne (Bonnie) Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chukwuma O. Nwaonicha, Ph.D.  
Patent Examiner  
Art Unit: 1621

  
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Yvonne (Bonnie) Eyler  
Supervisory Patent Examiner,  
Technology Center 1600